

Prob 12 (10/09)
VAE (rev. 5/17)

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF VIRGINIA

U.S.A. vs. Abdulai S. Turay Docket No. 1:21-mj-00299

Petition on Probation

COMES NOW Nicole R. Andrews, PROBATION OFFICER OF THE COURT, presenting an official report upon the conduct and attitude of Abdulai S. Turay, who was placed on supervision by the Honorable Michael S. Nachmanoff, former United States Magistrate Judge sitting in the Court at Alexandria, Virginia, on the 20th day of September 2021, who fixed the period of supervision at one (1) year, and imposed the general terms and conditions heretofore adopted by the Court and also imposed special conditions and terms as follows:

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RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

See Attachment(s)

PRAYING THAT THE COURT WILL ORDER a summons to be issued directing that the offender appear before the Court to show cause why supervision should not be revoked.

Returnable Date August 9, 2022
10:00 AM

ORDER OF COURT

Considered and ordered this 14th day of July 2022 and ordered filed and made a part of the records in the above case.

/s/ JFA
John F. Anderson
United States Magistrate Judge

John F. Anderson
United States Magistrate Judge

I declare under the penalty of perjury that the foregoing is true and correct.

Executed on: July 14, 2022

Nicole Andrews Digitally signed by Nicole Andrews
Date: 2022.07.14 10:14:27 -04'00'

Nicole R. Andrews
U.S. Probation Officer
703-366-2111

Place Manassas, Virginia

TO CLERK'S OFFICE

Petition on Probation

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RE: TURAY, Abdulai S.

OFFENSE: Driving Under the Influence, in violation of 18:13 assimilating VA Code § 18.2-266(ii).

SENTENCE: One (1) year supervised probation with the following special conditions:

- 1) The defendant shall serve a period of ten (10) DAYS incarceration with the Bureau of Prisons, which may be served on weekends or other intermittent times as deemed appropriate by the probation officer.
- 2) The defendant shall participate in and successfully complete an alcohol treatment program as deemed appropriate by the probation officer.
- 3) Commencing September 20, 2021, and continuing for ONE (1) YEAR, the defendant may not operate a motor vehicle anywhere in the United States except (a) to and from work, as incident to or required by work, (b) to and from court, the probation office, and the alcohol treatment program.
- 4) The defendant shall pay a \$200 fine and a \$25 special assessment as to Count 1 to be paid by October 20, 2021 (which was paid in full on December 10, 2021).

On March 24, 2022, this case was re-assigned to Your Honor.

ADJUSTMENT TO SUPERVISION: Supervision in this case commenced on September 20, 2021. Since the onset of supervision, Mr. Turay has maintained stable employment and residence; however, he incurred a misdemeanor conviction for Intoxication in Public on June 14, 2022 and more recently, was arrested for Drunk in Public on July 3, 2022.

On March 29, 2022, a Petition on Probation was submitted informing Your Honor of violation conduct by this defendant. Specifically, the defendant was arrested and charged with Intoxication in Public on March 20, 2022, and the defendant failed to notify this officer of his arrest.

On June 27, 2022, the defendant appeared before Your Honor for a violation hearing at which time he stipulated to the alleged violations. Your Honor found the defendant in violation. Due to Covid restrictions and the defendant being unable to serve his original sentence of ten (10) days in jail, Your Honor ordered the defendant be remanded to the custody of the U.S. Marshals Service to serve five (5) days with the Bureau of Prisons to be released at noon on July 1, 2022. Additionally, it was ordered that as a special condition of supervision, the defendant serve five (5) days on home confinement with the level of monitoring deemed appropriate by the probation office. Your Honor ordered the defendant to remain restricted to his residence except for work and treatment purposes as deemed appropriate by the probation office. Furthermore, Your Honor ordered the defendant to refrain from the use of alcohol. Based on the defendant's enrollment in the ASAP program, to include a sixteen (16) week outpatient treatment program, Your Honor extended the defendant's term of probation by three (3) months to allow the defendant time to complete treatment. Your Honor conveyed that the Court would consider terminating the defendant's supervision term earlier upon successful completion of the program.

On July 1, 2022, the defendant was released from U.S. Marshals custody. On July 2, 2022, at approximately 10:45 p.m., and July 3, 2022, at approximately 1:30 and 2:00 a.m., this officer received notifications that the defendant may have encountered police in Fairfax County, Virginia. On July 3, 2022, an inquiry with VineLink confirmed the defendant was arrested on July 3, 2022 and released on a personal recognizance bond that same date. On July 5, 2022, an inquiry through LOPAS confirmed the defendant was arrested and charged with Drunk

Petition on Probation

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RE: TURAY, Abdulai S.

in Public (offense date July 2, 2022; arrest date July 3, 2022). On July 6, 2022, this officer contacted the defendant to discuss his contact with the police, as the defendant failed to notify this officer of his arrest for Drunk in Public. The defendant denied being drunk in public, stating he did not consume alcohol. The defendant conveyed he “smoked too much weed” and his mother called the ambulance for assistance on July 2, 2022. The defendant stated he was taken to the hospital and when discharged on July 3, 2022, the police were waiting for him and took him to jail where they issued him a citation for Drunk in Public. The defendant reported he was released from custody a short time later. This officer questioned the defendant about his failure to notify this officer of his new charge and contact with law enforcement. Initially, the defendant tried to claim he just got discharged from the hospital yesterday, but this officer confirmed with the defendant he was discharged from the hospital and released from custody on July 3, 2022. When this officer questioned the defendant as to why he was using marijuana, he stated because he is no longer allowed to drink alcohol, he used marijuana to help him sleep.

The defendant is pending enrollment in four (4) alcohol education classes through the Bull Run Alcohol Safety Action Program (ASAP). The classes are set to commence on July 18, 2022 and finish on August 8, 2022. The defendant was also recommended to participate in a sixteen (16) week outpatient treatment program.

VIOLATIONS: The following violations are submitted for the Court’s consideration:

Mandatory Condition: **THE DEFENDANT SHALL NOT COMMIT ANOTHER FEDERAL, STATE OR LOCAL CRIME.**

On July 3, 2022, Mr. Turay was arrested for Drunk in Public in Fairfax County, Virginia. He is scheduled to appear before the Fairfax County General District Court on August 8, 2022.

Standard Condition #11: **THE DEFENDANT SHALL NOTIFY THE PROBATION OFFICER WITHIN 72 HOURS OF BEING ARRESTED OR QUESTIONED BY A LAW ENFORCEMENT OFFICER.**

Mr. Turay failed to notify this officer of his arrest for Drunk in Public until directly contacted by this officer.

NRA/cmf